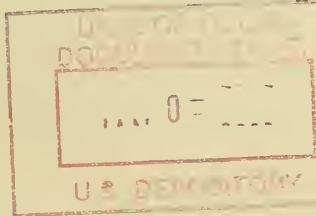


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
SMOKING PIPE
MANUFACTURING INDUSTRY

AS APPROVED ON JANUARY 15, 1935



UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1935

This publication is for sale by the Superintendent of Documents, Government Printing Office, Washington, D. C., and by district offices of the Bureau of Foreign and Domestic Commerce.

DISTRICT OFFICES OF THE DEPARTMENT OF COMMERCE

Atlanta, Ga.: 504 Post Office Building.
Birmingham, Ala.: 257 Federal Building.
Boston, Mass.: 1801 Customhouse.
Buffalo, N. Y.: Chamber of Commerce Building.
Charleston, S. C.: Chamber of Commerce Building.
Chicago, Ill.: Suite 1706, 201 North Wells Street.
Cleveland, Ohio: Chamber of Commerce.
Dallas, Tex.: Chamber of Commerce Building.
Detroit, Mich.: 801 First National Bank Building.
Houston, Tex.: Chamber of Commerce Building.
Indianapolis, Ind.: Chamber of Commerce Building.
Jacksonville, Fla.: Chamber of Commerce Building.
Kansas City, Mo.: 1028 Baltimore Avenue.
Los Angeles, Calif.: 1163 South Broadway.
Louisville, Ky.: 408 Federal Building.
Memphis, Tenn.: 229 Federal Building.
Minneapolis, Minn.: 213 Federal Building.
New Orleans, La.: Room 225-A, Customhouse.
New York, N. Y.: 734 Customhouse.
Norfolk, Va.: 406 East Plume Street.
Philadelphia, Pa.: 422 Commercial Trust Building.
Pittsburgh, Pa.: Chamber of Commerce Building.
Portland, Oreg.: 215 New Post Office Building.
St. Louis, Mo.: 506 Olive Street.
San Francisco, Calif.: 310 Customhouse.
Seattle, Wash.: 809 Federal Office Building.

Approved Code No. 225—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

SMOKING PIPE MANUFACTURING INDUSTRY

As Approved on January 15, 1935

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE SMOKING PIPE MANUFACTURING INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of amendments to a Code of Fair Competition for the Smoking Pipe Manufacturing Industry, and hearings having been duly held thereon and opportunity to be heard being given, and the annexed report on said amendments, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, and including Executive Order No. 6859, and otherwise; does hereby incorporate, by reference, said annexed report, and does find that said amendments and the Code as constituted after being amended, comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and does hereby order that said amendments be and they are hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended; provided, however, that the approval of Section 9 of Article V, and this Section shall take effect twenty (20) days from the date hereof, unless good cause to the contrary is shown to the National Industrial Recovery Board before that time and the Board issues a subsequent Order to that effect.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

KILBOURNE JOHNSTON,

Acting Division Administrator.

WASHINGTON, D. C.,

January 15, 1935.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the amendment of the Code of Fair Competition for the Smoking Pipe Manufacturing Industry, as approved by you on January 23, 1934. Application was duly made by the Code Authority for the Smoking Pipe Manufacturing Industry for amendments to Article IV, Section 3; Article V, Sections 6, 7, 8 and 9; Article VI, Sections 1, 2 and 3; and Article VII, Section 13 of the Code of Fair Competition for this Industry. A public hearing was held on these amendments on July 13, 1934. Fair notice of opportunity to be heard has been given to all interested parties.

The purpose and effect of these amendments is: (1) To require reporting of wage adjustments. (2) To include labor provisions prohibiting subterfuge, providing for the posting of Code provisions, submission of standards of safety and health, and prohibiting discharge of employees for making a complaint or giving evidence concerning Code violations. (3) To provide for the collection of mandatory contributions for Code administration. (4) To outline a permissive form for the return of used goods.

The Assistant Deputy Administrator in his final report to the National Industrial Recovery Board on said amendments to said Code, having found as herein set forth, and on the basis of all the proceedings in this matter:

Said Board finds that:

(a) Said amendments to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate Governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation sub-section (a) of Section 3, sub-section (a) of Section 7 and sub-section (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid amendments on behalf of the Industry as a whole.

(d) The amendments and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendments and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendments.

For these reasons, therefore, said Board has approved said amendments.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer.

JANUARY 15, 1935.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE SMOKING PIPE MANUFACTURING INDUSTRY

ARTICLE IV—WAGES

Amend Section 3 by adding a new sentence to read as follows:

“All adjustments made since June 16, 1933, shall be immediately reported to the Code Authority.”

ARTICLE V—GENERAL LABOR PROVISIONS

Delete Section 6 and substitute a new Section 6 to read as follows:

“6. No employer shall reclassify employees or their duties of occupations performed on engage in any other subterfuge so as to defeat the purposes of the Act or of the Code.”

Delete Section 7 and substitute a new Section 7 to read as follows:

“7. All employers shall post, and keep posted, copies of this Code in conspicuous places accessible to all employees. All members of the Industry shall comply with all rules and regulations relative to the posting of provisions of the Code of Fair Competition which may from time to time be prescribed by the National Industrial Recovery Board.”

Add a new Section to be designated as Section 8 and to read as follows:

“8. Every employer shall provide for the safety and health of his employees during the hours and at the places of their employment. The standards of safety and health shall be submitted to the National Industrial Recovery Board by March 1, 1935.”

Add a new Section to be designated as Section 9 and to read as follows:

“9. No employee shall be discharged or demoted by reason of making a complaint or giving evidence with respect to an alleged violation of this Code.”

ARTICLE VI—ADMINISTRATION

Delete Section 1 (d) and Section 2 (f) and Section 2 (g).

Section 2 (a) is redesignated Section 2 (h).

Add to Section 2 of Article VI a new Subsection (f) to read as follows:

“(f). 1. It being found necessary in order to support the administration of this Code and to maintain the standards of fair competition established hereunder and to effectuate the policy of the Act. The Code Authority is authorized:

(a) To incur such reasonable obligations as are necessary and proper for the foregoing purposes, and to meet such obligations out of funds which may be raised as hereinafter provided and which shall be held in trust for the purposes of the Code;

(b) To submit to the National Industrial Recovery Board for its approval, subject to such notice and opportunity to be heard as it may deem necessary (1) an itemized budget of its estimated expenses for the foregoing purposes, and (2) an equitable basis upon which the funds necessary to support such budget shall be contributed by members of the industry;

(c) After such budget and basis of contribution have been approved by the National Industrial Recovery Board, to determine and obtain equitable contribution as above set forth by all members of the industry; and to that end, if necessary, to institute legal proceedings therefor in its own name.

2. Each member of the Industry shall pay his or its equitable contribution to the expenses of the maintenance of the Code Authority, determined as hereinabove provided, and subject to rules and regulations pertaining thereto issued by the National Industrial Recovery Board. Only members of the Industry complying with the code and contributing to the expenses of its administration as hereinabove provided (unless duly exempted from making such contributions) shall be entitled to participate in the selection of members of the Code Authority or to receive the benefits of any of its voluntary activities or to make use of any emblem or insignia of the National Recovery Administration.

3. The Code Authority shall neither incur nor pay any obligation substantially in excess of the amount thereof as estimated in its approved budget, and shall in no event exceed the total amount contained in the approved budget, except upon approval of the National Industrial Recovery Board; and no subsequent budget shall contain any deficiency item for expenditures in excess of prior budget estimates except those which the National Industrial Recovery Board shall have so approved."

ARTICLE VII—TRADE PRACTICES

Add to Section 13 a new Sub-section to be designated 13 (a) and to read as follows:

"Retailers may perform the service of packing and mailing the returned used pipes to the members of the industry, provided such retailer gives the consumer's name and address to the manufacturer."

Delete Section 14.

Approved Code No. 225—Amendment No. 1.
Registry No. 1651-02.



UNIVERSITY OF FLORIDA



3 1262 08728 6224